

INTOLERANCE:

OR

CIVIL RIGHTS DENIED,

ON ACCOUNT OF

RELIGIOUS BELIEF:

IN THE CASE OF

JOHN RYAN,

OF

QUEBEC...LOWER CANADA

BOSTON:

PRINTED AT THE INVESTIGATOR OFFICE

1892

CASE OF JOHN RYAN.

How long will it be before mankind will have sufficient wisdom to know that the certainty of truth and the safety of the public, depend more on the moral character, uprightness of conduct, and well known sobriety and integrity than it does on the religious, or supposed irreligious belief of any man whatever? Mankind are to be tested by their general character and conduct, and not by their speculative notions, visions, or belief. Until these rules shall be generally adopted, the rest of men may be set aside, and their civil rights and privileges denied them, while the testimony of rogues and hypocrites will have to be admitted as good legal evidence.

The following case is only one among several that have already occurred, not only under the laws of England, but also of these states, and still more will probably occur, and the more as people become more honest. But few yet, comparatively, are honest enough to acknowledge the truth, to their own disadvantage in the eyes of a religious community. No, they will sooner act the part of a hypocrite. But it is to the highest degree praiseworthy, when people will dare to be honest in spite of public opinion, and when they know that hypocrisy, under the guise of religion, would be more reputable in the eyes of the multitude.

Such is the character, and such is the hard case of JOHN RYAN, of Quebec, Lower Canada, who stands high as a moral and upright man, all agree; but who is supposed to be incompetent to fill any post of trust and confidence, because, on account of his belief, he is held to be disqualified from taking an oath—or, in other words, from giving legal testimony under oath. He has already been set aside more than once on this ground, as the following statement will show.

He petitioned to the Provincial Parliament of Lower Canada for redress; and after some debate in the House of Assembly on the subject, his petition was referred to the Standing Committee on Courts of Justice.

The following is the Petition or Memorial here referred to, to the Representatives of the People of Lower Canada, in their assembled.

the Memorial of John Ryan, a native of Lower Canada, residing in Quebec, Respectfully Represents—

THAT your Memorialist, on the thirteenth day of July last, was refused of giving evidence in the usual manner, before the Court of

sions in this city, touching the moral delinquency of one John Beckford. Irrelevant questions were put to your Memorialist, and though conscientiously replied to, the Court declared your Memorialist's evidence inadmissible, and the culprit set at large.

That in the month of August last, William Phillips, one of the Justices of the Peace for the District, refused, (in consequence of the beforementioned rejection) the attestation of your Memorialist.

That on the ninth instant, F. X. Persault, one of the District Clerks of the Peace, suffered not your Memorialist to depose relative to the moral turpitude of a youth of this city, and who was not proceeded against.

That your Memorialist as Agent to the Montreal Steam Tow Boat Company in this city, enjoys a comfortable situation, the conscious result of years of probity and assiduity. Incompetency as a witness, will not only deprive your Memorialist of his present employment, but prove a serious obstacle in earning a subsistence for a numerous family wholly dependent on your Memorialist.

Wherefore your Memorialist earnestly implores restoration of civil rights. And as in duty bound, gratefully acknowledged.

JOHN RYAN.

Quebec, 24th Dec. 1831.

The facts as appeared before the Committee, and their report thereon, are the following, which we copy from the "Canadian Courier."

Committee Room, House of Assembly. Present Messrs. Quesnel, President, Duval, Morin, and Vigor.

Evidence of John Ryan. On the 15th of July last, I attended the Courts of Quarter Session in this City, to give evidence in support of an indictment against one John Beckford, for larceny. Having been sworn, was at the instance of the Defendants Council sworn, *de novo* on the *Voi Dire* to answer such questions as should then be put to me. The first question was in the following words.—

Of what religion are you?

I asked to know what he meant by religion, on which he asked me if I believed in a God?

To this I answered No, not in the God of the Jews or Christians.

The Court deliberated and decided that I was an incompetent witness.

Interrogated. Were you asked do you believe in a future state of Rewards and Punishments?

Answer. No.

Some time in the month of August last, I appeared before William Phillips, one of the Justices of the Peace, for the District of Quebec, and requested that he should receive my attestation to a written statement, which I then placed before him. W. P. declined receiving the same, the decision given in the Quarter Session.

Interrogated. Had W. Phillips any knowledge of the decision in the Quarter Session?

Answer. I admitted the truth of the facts upon which said decision

On the 9th Dec. last, F. X. Perrault, Esq. one of the Clerks of the Peace declined to draw up my deposition as is usually done by him, as signing the same reason as Mr. Phillips.

Interrogated. Did W. P. ask you if you believed in a future state of rewards and punishments?

Answer. No.

February 18th, the Committee reported as follows:—

Committee on Courts of Justice. Present Messrs. Quesnel, President; Panet, Viger, Duval, and Morin.

On the Memorial of John Ryan. Your Committee, after having examined the Petitioner, on the merits of his petition, and the circumstance that gave rise to it, are unanimously of opinion, that this House cannot interfere in this particular case. That the law of the land, relative to the oath to be taken by Witness, in the several Courts of Justice, are explicit, and in conformity to the said laws, the Petitioner having refused to comply to take the usual oath, and not having demanded to take the said oath, under any of the forms allowed by law, the Petitioner cannot be admitted as an evidence.

The whole humbly submitted. [Signed]

I. A. QUESNELL, *President.*

Mr. Neilson said, that he should, as having presented the petition, if it had not been too late in the Session, he would have moved for the report to be referred to a Committee of the whole House; but he would propose that the consideration of it should be resumed next Session.—This was not however pressed, and the matter dropped.

On the above we shall offer a few words by way of comment. First, in order to bring the subject fairly before our readers, we extract the following from the "Quebec Gazette" of January 6, 1832, which gives an outline of the debates in the House of Assembly.

Mr. Neilson presented a petition from John Ryan stating that on a trial before the Quarter Sessions of Quebec of a man for defrauding the Steam Tow Boat Company, in which he (Mr. Ryan,) as agent, was the prosecutor, certain irrelevant questions were put to him, after he had been sworn, in consequence of his answers to which, the Court refused to admit his testimony, and the prisoner was discharged; that on another occasion, in the month of August last, having applied to a Justice of the Peace for a warrant to take up a man for larceny, the Justice refused to take his oath, and he could not obtain a warrant; and on a similar way on the 9th of December instant, the Clerk of the Peace was equally refused to take his oath; and praying for a restoration of civil rights, which he had then been deprived.

Mr. Neilson said this petition implied a reflection on the conduct of the magistrates and of the Clerk of the Peace, without in any way expressing any opinion on the case. He was sensible of the great injury to the right and most dangerous to the petitioner from the disgraceful manner in which he was placed, or rather had placed himself; which he sincerely regretted, for the petitioner was a man of irreproachable character and conduct, performing all his duties to society in an exemplary manner, and those to his employers with zeal and fidelity; but

nately there was one little blemish, not in his character, but in his head. On one point the man was cracked in the head—there was a point upon which he was actually insane. He does not believe in a God, or in a future state, and this he avowed in the court. The court could therefore do no otherwise than refuse his testimony; such is the law of the land—those who do not believe in a God of some kind or other, or in a future state, are not admissible as witnesses in any of our courts. This is a perfectly free country as to religious opinions; there can be no objection to his professing any religion or no religion, Atheism, Deism, or Mahometanism; but if he boasts publicly of his atheism, he ought to know, and must abide the consequence. But the plain truth is, that in this particular part the man is insane.

Mr. Neilson did not want to know any thing but that the petitioner prayed for a restoration of civil rights. If any individual in society thinks himself injured in them, his only recourse was to come to this House, and pray for redress. Law objections having been made, it would be right to refer the petition to the Standing Committee on Courts of Justice.

Mr. Stuart had by no means meant any disrespect either to the honorable member or the individual in question. He and every body knew Mr. Ryan as a person who was irreproachably correct in his conduct, and in every relation of life; and notwithstanding any speculative opinions he might entertain, his conscientiousness was displayed by the very declaration which had brought this inconvenience upon him; and the more so as it was evidently against his own manifest interest;—that this would be highly injurious to him in his prospects in life, must be evident, and it must necessarily deprive an otherwise very meritorious man, with a family, of an advantageous situation which he had filled with a credit and capacity that was not often to be met with. He (Mr. S.) regretted this as much as any one, but it could not be helped.

Mr. Neilson without further adverting to the injurious consequences to the petitioner, would say that he never had heard the slightest aspersion cast on his moral character, nor, he believed, had any one ever imputed the least reproach to Mr. Ryan as the father of a family, a well-disposed citizen, and an indefatigable agent for his employers; and it very rarely happened that one individual could be named against whom the tongue of slander had never wagged.

The Petition was then referred to the Standing Committee on Courts of Justice.

In the "Kingston Chronicle" there is a very spirited article on this subject, of more than six columns, written with considerable talent, making use of just such arguments as King-craft and Priest-craft have contrived, and ever must use, to hold their domineering sway over reason and common sense. The whole article amounts to this; to wit; to the right divine of kings, or any other arbitrary law, or to doubt the infallibility of the church, is tantamount to the commission of every crime against God and readers a person an out-law.

The writer seems to sympathize greatly with Mr. Ryan, and regrets that he should have been so unfortunate, being such an honest and up-

right man, as to have his "head a little cracked!" And even the worthy President of the Committee seemed to think a 'little hypocrisy' would have suited his turn much better! It is not so much for Mr. Ryan, but for the people for whom and with whom they should sympathize. One villain, it would seem has escaped punishment already; and how many more will escape time only will determine. They will no longer need the darkness of the night to cover their villiany;—but' in the presence of such honest men as John Ryan,—men who are too honest to lie, or even to dissemble to save their reputation, they may go on in open day light, steal, rob, ravish, murder, or set fire to your dwellings, and all with impunity. And why? Why! forsooth—it is because that men who are too honest to be hypocrites are not to be believed; and no others being witnesses to the fact, the culprit or culprits must "be acquitted!" Canadians! what are you about? Does it necessarily follow that because a man does not believe, because he has too much good sense to believe in the imaginary or cruel Gods of the Jews, Christians or Pagans, that he must be considered an *atheist*? In relation to all the Gods which are made up of attributes only, without any substance, he may be; but not in relation to that which is the cause of life in all living things, whether it be animal or vegetable life. That such a cause exists is as certain as it is certain that the effect is true; and no man yet was ever capable of being so much of an Atheist as to doubt it. But what more do we or any one else know about it? Nothing: just nothing at all. It is this, that or the other attribute, therefore, which fanatics attach to this principle of life, that those who are called Atheists, deny, or in which they do not believe, and not the existence of the principle itself. The only attribute we attach to it is that of power—power to do whatever is done—nothing less, and nothing more. The moral tie that binds such men to truth, to speak the truth on all occasions, either in court or out of court, is that of utility, and he who will not be bound by this tie, would not be bound by all the mummeries of a religion; which are but a mere mockery of the religion of him who commanded his disciples to "swear not at all."—*Boston Investigator*.

Yes, according to the gospel, Jesus says, "SWEAR NOT AT ALL!" How can these then be Christians, who not only allow swearing, and swear themselves, but compel others to swear, or to do or say that which is tantamount to swearing, even against their own consciences? Would it not be better, and even safer, to take every man's testimony merely upon word and honor? If any thing can be proved against the truth and veracity of the witness, let it be done. But leave his religious opinions entirely out of the question; they have nothing to do with the weight of his testimony.

The foregoing remarks from the Boston Investigator, were copied into the (N. Y.) Free Enquirer, with remarks; and from that into the Delaware Free Press, with further comments, as the following is from the latter paper, which was copied into the Investigator with additions.

The following is a written article from one of the editors of the Free Enquirer, showing the inconsistency and absurdity of that most foolish thing of all human follies, persecution for Atheism, or disbelief in the existence of a God.—

While religionists urge the belief in God as preliminary to correct opinions of other things, and as the only basis on which to erect a moral superstructure that will bear investigation, or support its advocates in the hour of temptation or trial; anti-religionists deemed the admission of such a dogma unworthy a rational being, calculated to check the spirit of free enquiry, to which alone they look for the discovery of all the truth which can be made subservient to profit or pleasure. It is difficult to conceive how both can be right, without granting that both may be wrong.

There is a God, that is an independent existence, extraneous to man or there is not; such a being exists or does not exist, whether men believe or disbelieve; thus far there can be no disagreement; no one pretends that either affirmative or negative of this question is dependent on his opinion; the truth is because it always was thus, or so, he merely professes to have found it; had he not found it, it would nevertheless have been the truth. It is of more importance then might be supposed on a cursory view, let men decide as they may on this unsettled question, to perceive that their decision neither creates nor annihilates, but merely relates to an antecedent fact.

This being so, it would seem that the mere circumstance of belief or unbelief can be of little consequence only so far as one or the other state of mind may have influence on the conduct of life. If it can be shewn that those who profess belief in a God cannot be good men, because such belief has a natural tendency to evil, and reference be had to all the facts to establish this tendency; or if it be shown on the other hand that unbelief tends to immorality and facts be adduced to prove that they are incompatible and irreconcilable, then in either case will the opponents of the one, or the other, have reason to press the importance of their dogma. But if neither can be done, if there can be found among those who believe and those who doubt, men eminent for the correctness of their lives, immorality will have to be accounted for on some other principle than faith or the want of it. And such is the fact. There are good men of all opinions, and no opinions respecting unseen things, sufficient to break the association in every dispassionate, unprejudiced mind between opinion and goodness; hence the cause of error must be sought elsewhere than in speculative theory.

The "Boston Investigator," in an article relating to the rejection of John Ryan's testimony, has some very judicious sentiments. Speaking of his incompetency to give evidence in Canada, on account of his opinion, it is said:—

"In relation to all the Gods which are made up of attributes only, any substance he may disbelieve; but not in relation to that which is the cause of life in all living beings, whether it be animal or vegetable life. That such a cause exists, is as certain as it is certain that the effect is true, and no man yet was ever capable of being so much an atheist as to doubt it. What more do we or any one else know about it? Nothing—just nothing at all. It is this, that, or the

other attribute, therefore, which fanatics attach to this principle of life, that those who are called atheists deny, or in which they do not believe, and not the existence of the principle itself. The only attribute we attach to it is that of power—power to do whatever is done—nothing less and nothing more. The moral tie that binds such men to truth—to speak the truth on all occasions, either in court or out of court, is that of *utility*, and he who will not be bound by this tie, would not be bound by all the mummeries of a religious oath; which are but a mere mockery of the religion of him who commanded his disciples to “swear not at all.”

I have said or tried to say, a thousand times what is contained in the above paragraph, always pressing it upon those to whom it was said, that there is no belief in it, but *knowledge, certain, positive knowledge*. The effect or consequent, being of necessity depended on, is always absolute; unquestionable proof, of the *cause* or *antecedent*; and a little calm investigation will show, that it is indeed only about attributes that men can dispute.

I for one am perfectly satisfied that each man should have just such a God as pleases his own taste, if he can imagine such a one and believe in it, the only reservation I would make is, that he should not have attributes requiring or permitting his devotees so to act, that unhappiness to their fellows must result from their actions; or they may suit themselves with attributes, if they will allow him *quantum sufficit* of justice and impartiality. I trust I shall not soon quarrel with my neighbor about his religion, if his equal God requires him to do to others as he would wish them to do to him, though I may fault his morality, if his practice is not in accordance with this requisition.

I have as little apprehension of a rupture with my neighbor on the other hand, for his scepticism; if his nature or whatever he pleases to call it leads him to the same just practice, he must of necessity have my approbation; it is as in the other case, involuntary. If on the contrary it permits him to be unjust, the blame must fall on himself;—I however see no alternative. If it would not be thought obtrusive; I would recommend to both, that the morality of their systems should not smell too strong of that which has obtained currency in this our world of civilization and refinement.

A. G.
New-York Free Enquirer.

I have selected the foregoing article partly for the purpose of introducing some remarks upon the extract it contains from the Boston Investigator, which were crowded out when we published the history of John Ryan's case.

Abner Kneeland, the author of the extract, in consequence of formerly being a prominent member of a religious society, and of setting up his own convictions, which led him out of the narrow confines of sectarianism—in short for adhering with inflexible integrity to what he believed to be true—and all this in opposition to his pecuniary interests, has called down upon his venerable head the anathemas and execrations of the friends of human degradation from one end of the Union to the other.

Let his brethren, who in the language of the pious crusaders have said to him "stand off, I am holier than thou;" let them read this extract, and enquire after its meaning; let them ask, what is Atheism? and why is Abner Kneeland an Atheist? Is it because he disbelieves in a spirit or power in nature "that is the cause of life in all living beings;" certainly not; for here is his own strong language to show, that no man was ever so much of an Atheist as to doubt the existence of such a cause or spirit. Then what is it that his brethren persecute him for? Is it because he disbelieves in the authenticity of the Bible? No—for all sects construe the bible differently, to suit their own prejudices; and of course are unbelievers and heretics with one another.

The first Protestant martyr was Agnes Morton, who was ordered into the flames by Bishop Shaxton for not believing that the bread and wine administered at the altar, were the identical flesh and blood of Jesus Christ. She was led into this heresy by discovering that the bread was liable to decay, and would mould like other bread. But the language of scripture was imperative, according to the bishop. He said the words of the Saviour were plain, and could not be misunderstood; that such a perverse and obstinate disposition ought to meet an exemplary punishment, and ordered the flame to the faggot.

Such now is about the difference between Abner Kneeland and his brethren. An Atheist is one who rejects the popular creeds and opinions of the Church, and Abner Kneeland does not believe as the church believes. He has discovered that the bread and wine administered at the altar are liable to grow mouldy and sour; or in other words, that the idol of sectarianism is not "the cause of life in all living beings;" and therefore he must be thrown into the fire. But as they dare not burn his body, they heat the fiery furnace of bigotry and intolerance "seven times hotter than it is wont to be heated," then cast his reputation, his good name, and all that is dear in life into it. Such is the character of professing christians, and such will ever be the melancholy consequences of persecution for opinions. The religion of the Bible is a traditional religion, and all traditional religionists will persecute. Its followers stray away from the living principle within them; they build up physical and intellectual images, made up of the whimsical effusions of their own strange conceits—images of something "either in heaven or earth;"—and then, like Nebuchadnezzar, require all sects and classes, bond and free, to fall down and worship them. All those who refuse to adore the image which they have set up; all those whose minds are not gross enough to make an idol of that which is "the cause of life in all living beings," are Infidels, Deists, Atheists, disbelievers in the existence of a God, when the whole offence, carried out and explained, is more than a disbelief in the image or idol that sectarianism has created: thus showing, what the history of all former ages has proved, that the infidels, so called, are the true believers; that they are conforming to the law which Moses gave to the children of Israel, commanding them "to form no image of God, of any thing, either in heaven or on earth;" while Christian professors are not only in the wrong of violating this law, but of making a breach of it the pretext for the bitterest persecution upon those who adhere to it from

How like the Pagan worship, that required all to make obeisance to their idols, or forfeit their lives, is this traditional system of Christianity. But how unlike that gentle spirit which christians profess to follow—that, steady in its course, as the sun in the firmament, goes on to conquer and subdue all that is uncharitable, harsh and severe in the human character.

This order or law, in the spiritual or intellectual world, is what christians acknowledge in that precept which requires them to return “good for evil,” but is better understood by considering it a spiritual feeling, or *state of mind*, in which the individual who lives under its government feels a perpetual tendency to good, without reference to evil; or in other words, constantly aims at increasing his own happiness, by promoting that of others, without adverting to the actions of those which tend to counteract this spirit. Like the laws that govern the universe:—we see it rains upon the just and the unjust; there is no partiality or distinction shown in the distribution of those outward blessings, so in the spiritual or intellectual world, there is a spirit or *state of mind*,—which, without any variableness or shadow of turning, aims at the same point; its constant tendency is to subdue all bitterness of feeling, strife and contention, by its own mild but irresistible power. It is the spirit of wisdom and goodness, and is the “cause of life” or happiness in the intellectual world. It is the possession of this spirit that constitutes heaven, a kingdom, which, as Jesus said, “is within you;” a *state of existence*; not a place of abode. It cannot be obtained by believing or disbelieving in the existence of either God or Devil. It can only be acquired by getting into an unchangeable state or spirit of benevolence and goodness, and practising that which we know by experience will give enjoyment to ourselves and others.

This is the only true religion, if religion it may be called, which is built upon works and not upon faith. It is the religion of righteousness, of honesty and truth, and will eventually prevail over all the mummery and phantasmagoria of holy crafts, with their wonder-working witchery, or miracles and traditional systems of belief. This coming out of the feverish excitement of dreams and visions into the enjoyment of the sober realities of life, is the natural state of man; and if carried out and practised upon in our daily transaction, would turn earth into a heaven and hell into a fable.

Upon this rock may all nations, kindreds, tongues and people build their church, and in such an asylum will they find rest and peace, but in creeds, opinions, and systems of belief they never can.

Does not the history of all religions show us that the best have been those who *believed the least* in their own day? and who have changed their character now? Has not the march of improvement been arrested by the fear of unbelief? and do we now have a limit to human knowledge, or abatement in the superstitious cry of *no more*? Is not this dread of unbelief the same it ever was; the same terminated and implacable foe human to happiness. And have we vain speculations and disputes about belief already deadened the flow of lives, besides making miserable ten times that

ing friends and relatives; and are they not now retarding all our improvements, poisoning our social enjoyments, and in short filling the path of life with thorns.

The religion of good works will lead us out of all this, and turn us to the cultivation of our faculties, and the rational enjoyment of the present time; and would eventually be found to satisfy all our craving for ethereal joys, in distant and unknown regions.

Are not the cruelties, the strife, the desolation, that the speculations upon unknown subjects have brought upon the world sufficient to teach us moderation and modesty in our demands; and make us suspect that we are not only ignorant of the future, but that our happiness consists in being satisfied with our present condition.

Whatever the future may be, either in time or eternity, can never be realized, and therefore is nothing to us. The present is only ours, and that we have the means of enjoying if we are rightly disposed. The confidence we ought to have, (and would have if we were in a proper state of submission to the existing order of things) that the power that gave us life, can best dispose of us after death, would be ample compensation for the loss of all the anxious hopes and fears of a future state.

Delaware Free Press.

Most of the Constitutions of the several states, as well as the Constitution of the United States, leaves the people perfectly free as to religious opinions. Nevertheless it is not so with all. The third article of the Declaration of Rights, in the Massachusetts Constitution, not only authorized, but required, "the public worship of God, and the support and maintenance of public Protestant teachers of piety," &c. and also "to enjoin an attendance," &c. Yet liberty was granted to towns, parishes, &c. "the right of electing their public teachers and contracting with them for their support and maintenance."

This article is now altered and made much more liberal, though, still, it is not so liberal as it should be.

The Constitution of New York provides, art. 28, "that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind."

It also excludes "ministers of the Gospel, under any pretence or designation whatever, from holding any civil or military office or place within this state."

The Constitution of New Jersey, art. 18, says, "that no person shall ever within this colony be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his conscience," &c. But in art. 19, the liberty, as expressed, seems to be confined to protestants; which is implied in these words; "and that no inhabitant of this colony shall be denied the enjoyment of the rights of conscience, merely on account of his religious principles." The word, "protestants," here, would seem to be, are Free Enquirers, in any proper word, "protestants?" Why are they not? They are not Catholics, and no one protests more against all the superstitious and tyrannical power of the Pope than they do. But whether

they can be said to be "professing a belief in the faith of any protestant sect," is perhaps another question; and hence, although all such persons "shall be capable of being elected into any office of profit or trust," &c. "and shall fully and freely enjoy every privilege and immunity enjoyed by others of their fellow subjects," yet it does not perhaps, necessarily follow, that, Free Enquirers are to have this privilege.

In the Constitution of Pennsylvania, Declaration, art. 2d, after declaring "that all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience and understanding," declares, "nor can any man who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship:" &c.

Yet, rather inconsistent with the above, in the Plan or Frame of Government, art. 10, each member of the Legislature, before he takes his seat, is made to acknowledge not only his belief in God, "the Creator and Governor of the Universe," but also he must subscribe to the following, "I do acknowledge the scriptures of the Old and New Testament to be given by divine inspiration."

This is the only "religious test;" but even here, "each Member" is made to acknowledge what no one knows, or can know to be true, and what reason and common sense show to be false, in any other sense than that every book is given by inspiration; for "there is a spirit in man, and the inspiration of the Almighty giveth him understanding." *Job*, xxxii. 8.

In the Constitution of the State of Delaware the same "unalienable right" is recognized; and, in the Declaration, it says,—

Art. 3. "That all persons professing the Christian religion, ought forever to enjoy equal rights and privileges in this state, unless under color of religion any man disturb the peace, the happiness, or safety of society."

The Constitution of that state, like the present Constitution of the State of New York, precludes clergymen of any denomination from "holding any civil office in the state."

The Constitution of North Carolina guarantees, art. 19, "That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience." Here the subject is left without any restrictions whatever.

The Constitution of South Carolina, art. 13, says, "The qualifications of electors shall be, that every free white man, and no other person, acknowledges the being of a God, and believes in a future state of rewards and punishments," &c. &c. (many other qualifications) "be deemed a person qualified to vote," &c. And "no person shall be eligible to sit in the House of Representatives, unless he be of the protestant religion," &c. What an excellent mode of making a test! This state also excludes clergymen from holding any of the civil or military offices of state.

Article 38, after tolerating, "all persons and religions,"

"acknowledge that there is one God," &c. says, "The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be the established religion of this state."

Art. 72. "No clergyman, of any denomination shall be allowed a seat in the legislature."

The above extracts are all taken from a London edition, by the Rev. William Jackson, 1783.

As to the new Constitution which have been adopted (for some of the states had no Constitutions at that period) or the revision, amendment, or alterations which have taken place in the old ones, we have at this moment no means of knowing; we only know that the change, so far as there has been any, is in favour of the free exercise of religious, or even what may be thought by some, irreligious opinions, and the removal of all supposed disability, or disqualification, for the full enjoyment of any civil right and privilege on that account.

But this question does not, or at least it should not depend on any authority constituted by men; but on the unalienable right of each and every individual of the human race, consequent on his existence, and growing out of the plain simple truth and nature of things. Man either can help his opinions or he cannot. If he cannot, as is evidently the fact, to punish him for holding any opinion whatever, and what is disfranchizing man, the taking away of any civil right, but a punishment? It is punishing man either for what is right in itself, or else for what is his misfortune, not his fault. If a man has been so unfortunate, therefore, as to come to an erroneous conclusion on any given subject, should not that, in itself, be considered a misfortune sufficiently great, without taking away any civil privilege on that account?—a civil privilege which as an honest man, he ought to enjoy, and has still a right to enjoy, notwithstanding his supposed misfortune; why should this privilege also be taken away in addition to what he has already suffered if his conclusion be erroneous. But if his conclusion should turn out, after all, to be the truth, though he might differ from all the world besides, would it not be hard, would not the public on the whole be the loser, as well as the individual be the sufferer, to punish a man for holding to the truth, and for having the moral courage to avow it?

Extract of a letter to Mr. Ryan, dated New York, June 26th 1832.

"I have sympathised with you, my friend in your privations and persecutions; as an individual you suffer; as a constituent part of the great whole, it is for the advancement of a common cause. Believers say that this cannot be attained but by suffering in every successive trial, and experience shows that victim after victim has to be offered up to the ignorance of man. If you can find any consolation in the reflection that your trials shall prove a public benefit, I hope you will persevere in yourself of it. We had better be conscientious, and trust in God. I for one however wish that this were the situation of every fellow feeling as I am susceptible of, I subscribe

AMOS GILBERT.

The following extract from a late English work will fully corroborate the doctrine contained in the above statements.

"The fundamental error, of imputing guilt to a man on account of his opinions, has shrunk within narrower bounds; but still it is far from being exterminated. Men have extended their sphere of liberality, they have expanded their system of toleration, but it is not yet without limits. There is still a boundary in speculation, beyond which no one is allowed to proceed; at which innocence terminates and guilt commences; a boundary not fixed and determinate, but varying with the creed of every party.

"Although the advanced civilization of the age rejects the palpably absurd application of torture and death, it is not to be concealed, that, amongst a numerous class, there is an analogous, though less barbarous persecution, of all who depart from received doctrines—the persecution of private antipathy and public odium. They are looked upon as a species of criminals, and their deviations from established opinions, or, if any one prefers the phrase, their speculative errors, are regarded by many with as much horror as flagrant violations of morality. In the ordinary ranks of men, where exploded prejudices often linger for ages, this is scarcely to be wondered at; but it is painful, and on first view unaccountable, to witness the prevalence of the same spirit in the republic of letters;—to see mistakes in speculation pursued with all the warmth of moral indignation and reproach. He who believes an opinion on the authority of others—who has taken no pains to investigate its claims to credibility, nor weighed the objections to the evidence on which it rests, is lauded for his acquiescence, while obliquy from every side is too often heaped on the man who has minutely searched into the subject, and been led to the opposite conclusion. There are few things more disgusting to an enlightened mind than to see a number of men, a mob, whether learned or illiterate, who have never scrutinized the foundation of their opinions, assailing with contumely an individual, who, after the labour of research and reflection, has adopted different sentiments from theirs, and pluming themselves on the notion of superior virtue, because their understandings have been tenacious of prejudice.

"This conduct is the more remarkable, as on every side we meet with the admission, that belief is not dependent on the will; and yet the same men, by whom this admission is readily made, will argue and inveigh on the virtual assumption of the contrary.

"This is a striking proof, amongst a multitude of others, of what the thinking mind must have frequently observed, that a principle is often retained in its applications, long after it has been discarded as an abstract proposition. In a subject of so much importance, however, it behoves intelligent men to be rigidly consistent. If our opinions are voluntary, but independent of the will, the contrary doctrine and its consequences ought to be practically abandoned; they ought to be weeded from the sentiments, habits, and institutions of society. We may venture to assert, that neither the virtue nor the happiness of man will ever be placed on a perfect basis, till this fundamental error has been extirpated from the mind."

bor-

f his
n be-
they
mits.
owed
es; a
every

pably
that,
arous
cution
a spe-
or, if
ed by
the or-
r ages,
ew un-
epublic
all the
n opin-
stigate
ence on
h every
into the
v things
men, a
e foun-
al, who,
ent sen-
uperior
f preju-

e meet
ll; and
ll argue

hat the
s often